

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
DEBRA SORANO,

Plaintiff, 07 Civ. ()

-against-

ROBERT TAGGART, individually, and
CITY OF YONKERS, New York,

Defendants.

COMPLAINT
07 CIV BRIEANT
11254

Jury Trial Demanded

-----x

Plaintiff DEBRA SORANO, by her attorneys Lovett & Gould, LLP, for her
complaint respectfully states:

NATURE OF THE ACTION

1. This is an action for compensatory and punitive damages, proximately resulting from conduct engaged in by Defendants while acting under color of the laws of the State of New York, for a violation of Plaintiff's rights as guaranteed by the Fourteenth Amendment to the United States Constitution.

THE PARTIES

2. Plaintiff DEBRA SORANO is a citizen of the United States, at all times relevant to this complaint was and continues to be a domiciliary of the State of New York, and at all times relevant to this complaint was and continues to be a resident of the Northern Counties. Except as otherwise expressly indicated *infra*, commencing in 1992

Plaintiff was continuously employed by the Defendant City on a permanent, competitive civil service basis as a Police Officer. In that connection she had a vested, property right in her continued employment as such and with respect to that right she could not lawfully suffer a property deprivation without first being accorded a pre-deprivation due process hearing.

3. Defendant ROBERT TAGGART (hereinafter "Taggart"), who is sued in his personal and individual capacities only, at all times relevant to this complaint was the duly appointed Commissioner of Police for the Defendant City. As such he had final, discretionary decision making authority with respect to the termination of sworn members of the City's Police Department.

4. Defendant CITY OF YONKERS, New York (hereinafter "City") is a municipal corporate subdivision of the State of New York duly existing by reason of and pursuant to the laws of said State.

THE FACTS

5. On August 2, 2005, Defendants in writing summarily terminated Plaintiff's employment, effective August 9, 2005, upon the false premise that she had ceased being an inhabitant of the State of New York.

6. At no time prior to the termination of Plaintiff's employment was she afforded any opportunity, either formal and/or informal, to be heard with respect to either Defendants' false factual premise or the truth - - that she never ceased to be an inhabitant of the State of New York.

7. As a proximate result of Defendants' conduct Plaintiff was forced to suffer: substantial pecuniary losses attributable to the termination of her employment, loss of fringe benefits, and *inter alia* loss of retirement and insurance benefits; a devastating impairment of her professional career in law enforcement; emotional upset; anxiety; public humiliation; shame; public embarrassment; related monetary damages; and she was otherwise rendered sick and sore.

AS AND FOR A CLAIM

8. Repeats and realleges as if fully set forth the allegations of fact contained in paragraphs "1" to "7", inclusive.

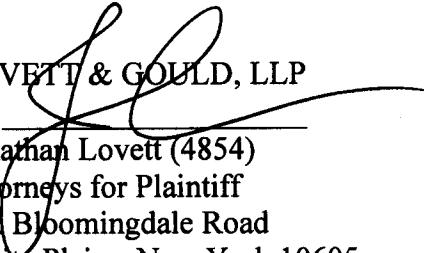
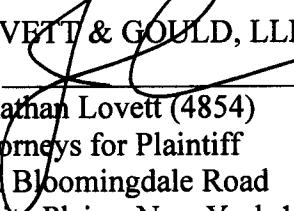
9. Under the premises Defendants' conduct violated Plaintiff's right to a pre-deprivation due process hearing as required by the Fourteenth Amendment to the United States Constitution, 42 U.S.C. §1983.

WHEREFORE a judgment is respectfully demanded:

- a. Awarding against Defendant Taggart such punitive damages as the jury may impose,
- b. Awarding against both Defendants such compensatory damages as the jury may determine,
- c. Awarding as against both Defendants reasonable attorney's fees and costs, and,

d. Granting such other and further relief as to the Court seems just and proper.

Dated: White Plains, N.Y.
December 4, 2007


LOVETT & GOULD, LLP
By: 
Jonathan Lovett (4854)
Attorneys for Plaintiff
222 Bloomingdale Road
White Plains, New York 10605
914-428-8401